

From: Smith, Monica
To: [Edlund, Carl](#); [Phillips, Pam](#); [Broyles, Ragan](#); [Petersen, Chris](#); [Goodfellow, Bob](#); [Mason, Steve](#)
Subject: RE: draft responses to boxer questions 2-7, 9 and 10
Date: Wednesday, May 08, 2013 7:28:00 AM

Carl – thanks for the additional comment. We will work this in and I will revised the response to question 1 which we sent to hq yesterday to include the suggested language as question 1 was specifically about West. Let me know if you approve of the revised final statement (blue,bold and italic) in response to question 1.

1. Describe EPA's investigation of the West, Texas facility, including timelines and scope.

2006 RMP Inspection:

EPA Region 6 conducted a Risk Management Plan (RMP) inspection at the non-title V West Chemical & Fertilizer Co. on March 16, 2006. The inspection included a walkthrough of the plant to observe the processes and the equipment, as well as a review of the facilities RMP and associated records. The inspection was conducted by one of the Region's RMP inspectors, using the National RMP Program's Level 2 inspection checklist. The checklist used included all modifications incorporated by OECA through March 14, 2005. Violations identified by the inspector included:

- failure to timely update the RMP (the update due on 2004 had not been submitted), including updating the Hazard Assessment and Hazard Review,
- failure to include consequences of deviation in operating procedures,
- failure to properly document new operator training, and
- failure to develop a formal mechanical integrity program, and failure to conduct compliance audits.

In accordance with the approved penalty policy and matrix which was in place in 2006, on June 5, 2006 the Region issued a proposed Expedited Settlement Agreement (ESA) assessing a penalty of \$2,300 to West Chemical & Fertilizer Co. West Chemical & Fertilizer submitted its updated RMP on July 7, 2006, paid the penalty and the ESA was issued final August 14, 2006.

2013 after incident investigation/inspection:

Once the property where the former West Chemical & Fertilizer Co, was located, has been released by the ATF, the Regional RMP inspectors will visit the facility, to conduct further investigations in coordination with other Federal Agencies. We will evaluate all available records and interview transcripts with regard to the 112 (r) program.

Once the Regional RMP program receives all the facts on what the specific problem was at the West Fertilizer facility which resulted in the explosion, the Region is committed to working with OEM and the other Regional offices to ensure facilities take appropriate measures to prevent a similar incident elsewhere.

From: Edlund, Carl
Sent: Wednesday, May 08, 2013 6:58 AM
To: Smith, Monica; Phillips, Pam; Broyles, Ragan; Petersen, Chris; Goodfellow, Bob; Mason, Steve
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One other thing to work into the thing is that when we get the facts on what the specific problem was in West that we'll work with HQ and other RO's to ensure all other RMP's for these facilities contain assessment to prevent a repeat elsewhere.



From: Smith, Monica

Sent: Tuesday, May 07, 2013 3:07:53 PM

To: Phillips, Pam; Broyles, Ragan; Petersen, Chris; Edlund, Carl; Goodfellow, Bob; Mason, Steve

Subject: RE: draft responses to boxer questions 2-7, 9 and 10

Pam – thanks for taking the time to review the draft and providing us with feedback. We will review your comments and questions and make revisions as appropriate. Also as a bit of clarification, the RMP numbers are updated each month. Bob just received the May 2013 information and we are now at 2297 RMP facilities in Region 6. We will reflect this change in the table in response to question 5. Monica

From: Phillips, Pam

Sent: Tuesday, May 07, 2013 2:41 PM

To: Smith, Monica; Broyles, Ragan; Petersen, Chris; Edlund, Carl; Goodfellow, Bob; Mason, Steve

Subject: FW: draft responses to boxer questions 2-7, 9 and 10

These responses need some work. If you don't understand my comments, give me a call.